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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEYAT 8:30 _____M
WILLIAM T. WALSH CLERKTETRIS HOLDING, LLC and THE TETRIS
COMPANY, LLC,

Plaintiffs,

- against -

XIO INTERACTIVE, INC.,

Defendant.

Case No. 3:09-cv-6115 (FLW) (DEA)

Hon. Freda L. Wolfson, U.S.D.J.

Hon. Douglas E. Arpert, U.S.M.J.

**[PROPOSED] CONSENT ORDER AND
PERMANENT INJUNCTION**

FREDA L. WOLFSON, U.S.D.J.:

WHEREAS, this matter comes before the Court upon an amended complaint filed by Tetris Holding, LLC and The Tetris Company, LLC (collectively, "TTC") against Xio Interactive Inc. ("Xio") on December 10, 2009 (Dkt. No. 6) (the "Amended Complaint"), alleging, *inter alia*, that Xio's *Mino* game infringed TTC's copyrights and trade dress rights in its *Tetris* games; and

WHEREAS, on May 30, 2012, this Court granted TTC's motion for summary judgment on Count One (Copyright Infringement) and Count Two (Unfair Competition, False Endorsement and False Designation of Origin) of TTC's Amended Complaint, and denied Xio's motion for summary judgment (Dkt. No. 62);

NOW, THEREFORE, it is stipulated by TTC and Xio and ORDERED by the Court:

1. Final Judgment shall be entered in favor of TTC in connection with its claims against Xio for copyright infringement (Count One) and trade dress infringement (Count Two), and TTC's request for injunctive relief against Xio shall be granted as set forth herein.

2. Xio, its agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in concert with them who receive actual notice of this

Order by personal service or otherwise, are hereby permanently enjoined from, directly or indirectly:

- a. publicly displaying, selling, licensing, distributing, offering for sale, marketing, advertising, or promoting *Mino* (including versions 1.1, 1.2 and *Mino Lite*); and
- b. using a T-shaped tetramino shape as part of a mark or logo in connection with any game.

3. Count Three (Trade Dress Infringement, Unfair Competition under the New Jersey Fair Trade Act) and Count Four (Common Law Unfair Competition) of TTC's Amended Complaint are DISMISSED.

4. This Consent Order and Permanent Injunction is binding on the parties herein and any and all of their officers, agents, servants, employees, representatives, heirs, successors in interest, subsidiaries, related companies, assignees or acquirers, including any acquirer of substantially all of the assets of a party.

5. The Court shall retain jurisdiction with regard to the request of any of the parties to seek one or more orders to enforce the terms of this Consent Order and Permanent Injunction.

6. The parties shall each bear their own costs and expenses, including attorneys' fees, in connection with this action.

7. The Clerk of the Court shall mark this case CLOSED.

Consent to entry of the above Consent Order and Permanent Injunction:

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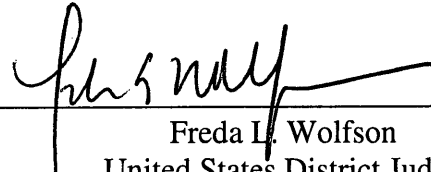
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Dated: Trenton, NJ
January 30, 2013

IT IS SO ORDERED:



Handwritten signature of Freda L. Wolfson in black ink, written over a horizontal line.

Freda L. Wolfson
United States District Judge